



DEPARTMENT OF THE NAVY

NAVAL NUCLEAR POWER TRAINING COMMAND

101 NNPTC CIRCLE

GOOSE CREEK, SC 29445-6324

1000

Ser NNPTC LEGAL/177

21 Jul 05

From: Commanding Officer, Naval Nuclear Power Training Command
To: United States District Court for the District of Delaware

Dear Sir or Madam:

I am writing on behalf of one of my Sailors identified as a defendant in an action now pending before the United States District Court for the District of Delaware, Docket Number: 05-350. This Sailor is currently serving in the active military service at Naval Nuclear Power Training Command, Charleston, South Carolina.

The Sailor will be unable to attend any hearings, present any type of defense, or effectively protect his interests in the matter in question until October 31, 2005 because of his military duties. Until this date, the Sailor is needed by this command because of the advanced training he is receiving and the scheduling required for him to receive this training. I am advised by legal counsel that federal law provides for a stay of appear and defend themselves is materially affected by their military service (50 U.S.C. App. § 522). In this instance, this Sailor's duties preclude his participation in court proceedings until at the earliest October 31, 2005. I cannot authorize leave for the Sailor until that date, because the fulfillment of this unit's mission requires his presence until that date, due to his duties.

Therefore, I request that you grant a stay in proceedings until October 31, 2005 to allow this Sailor to properly attend to his military duties.

D. A. WILLIAMS

By direction

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RECEIVED
U.S. DISTRICT COURT
FOR THE DISTRICT OF DELAWARE
JUN 07 2005
By _____

WARNER BROS. ENTERTAINMENT
INC., a Delaware corporation;
TWENTIETH CENTURY FOX FILM
CORPORATION, a Delaware corporation;
COLUMBIA PICTURES INDUSTRIES,
INC., a Delaware corporation; SONY
PICTURES HOME ENTERTAINMENT
INC., a Delaware corporation; LIONS
GATE FILMS, INC., a Delaware
corporation; PARAMOUNT PICTURES
CORPORATION, a Delaware corporation;
and DISNEY ENTERPRISES, INC., a
Delaware corporation,

CIVIL ACTION No. 05-350 KAJ

Plaintiffs,

vs.

DOES 1 - 9,

Defendants.

**ORDER GRANTING PLAINTIFFS' MOTION FOR LEAVE TO TAKE DISCOVERY
PRIOR TO RULE 26(f) CONFERENCE**

The Court has read all papers filed in connection with Plaintiffs' Motion for Leave to Take Discovery Prior to Rule 26(f) Conference ("the Motion"), and considered the issues raised therein, including relevant privacy issues.

IT IS HEREBY ORDERED that the Motion is granted.

IT IS FURTHER ORDERED that Plaintiffs may serve immediate discovery on Comcast Cable Communications Management, LLC ("Comcast") or any other entity identified by Comcast as providing network access or online services to one or more of the Defendants, by serving a Rule 45 subpoena that seeks information sufficient to identify each Doe

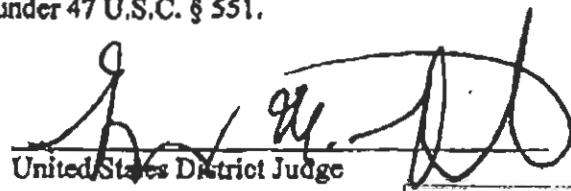
Defendant, including his or her name, address, telephone number, email address, and Media Access Control address.

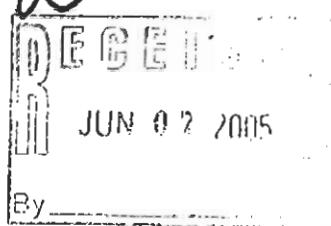
IT IS FURTHER ORDERED THAT Comcast shall have seven (7) calendar days after the service of the subpoena to notify its subscribers that their identity is sought by Plaintiffs and that each subscriber whose identity is sought shall have twenty one (21) calendar days from the date of such notice from Comcast to file any papers with the Court contesting the subpoena.

IT IS FURTHER ORDERED THAT any information disclosed to Plaintiffs in response to the Rule 45 subpoenas may be used by Plaintiffs solely for the purpose of protecting Plaintiffs' rights under the Copyright Act.

IT IS FURTHER ORDERED THAT any subpoena issued pursuant to this Order shall be deemed an appropriate court order under 47 U.S.C. § 551.

Dated: June 3, 2005


United States District Judge



1 **PROOF OF SERVICE**

2 JUN 8 2005

3 By _____

4 I, Vicki S. Henderson, the undersigned, declare that:
5 I am employed in the County of Los Angeles, State of California, over the age of 18, and
not a party to this cause. My business address is 10100 Santa Monica Boulevard, Suite 2200, Los
Angeles, California 90067-4164.

6 On June 6, 2005, I served a true copy of the **ORDER GRANTING PLAINTIFFS'**
7 **MOTION FOR LEAVE TO TAKE DISCOVERY PRIOR TO RULE 26(F) CONFERENCE**
8 on the parties in this cause as follows:

9 (VIA U.S. MAIL) by placing the above named document in a sealed envelope addressed as
10 set forth below, or on the attached service list. I caused each such envelope, with postage thereon
11 fully prepaid, to be deposited for collection and mailing with the United States Postal Service in
12 accordance with Loeb & Loeb LLP's ordinary business practices.

13 (VIA FACSIMILE) I caused the transmission of the above named document to the fax
14 number set forth below, or on the attached service list (whereby confirmation is attached).

15 Rosemarie Pierce
16 Comcast Cable Communications Management, LLC
1500 Market Street
Philadelphia, PA 19102

17 Facsimile No.: (215) 981-8508

18 I am readily familiar with Loeb & Loeb LLP's practice for collecting and processing
19 correspondence for mailing with the United States Postal Service and Overnight Delivery Service.
20 That practice includes the deposit of all correspondence with the United States Postal Service
21 and/or Overnight Delivery Service the same day it is collected and processed.

22 I certify that I am employed in the office of a member of the bar of this Court at whose
23 direction the service was made.

24 I declare under penalty of perjury that the foregoing is true and correct.

25 Executed on June 6, 2005, at Los Angeles, California.

26 
27 Vicki S. Henderson

28
CCS49210.1
20568710001
06/06/2005 vsh